

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7177

BILL NUMBER: SB 358

NOTE PREPARED: Feb 27, 2007

BILL AMENDED: Feb 22, 2007

SUBJECT: Consumer Fireworks.

FIRST AUTHOR: Sen. Heinold

FIRST SPONSOR: Rep. Moses

BILL STATUS: As Passed Senate

FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill requires a fireworks retailer to apply for a certificate of compliance at least 30 days before the date on which the retailer intends to begin selling consumer fireworks. The bill requires a fireworks retailer to provide an inspection report certifying compliance with fire and safety laws. It provides that a certificate of compliance expires on December 31 of the year in which the certificate is issued. It also provides that a retailer that sells fireworks without a certificate of compliance commits a Class B infraction.

Effective Date: (Revised) Upon passage.

Explanation of State Expenditures:

Explanation of State Revenues: If additional court cases occur and infraction judgments and court fees are collected, revenue to the state General Fund may increase. The maximum judgment for a Class B infraction is \$1,000, which is deposited in the state General Fund.

If court actions are filed and a judgment is entered, a court fee of \$70 would be assessed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court. In addition, some or all of the judicial salaries fee (\$15), the public defense administration fee (\$3), the court administration fee (\$2), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund.

Explanation of Local Expenditures:

Explanation of Local Revenues: If additional court actions are filed and a judgment is entered, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$70 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

State Agencies Affected: Department of Homeland Security (DHS).

Local Agencies Affected: Trial courts, local law enforcement agencies.

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